

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NORTH DAKOTA

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In re:

Chapter 7  
Bky. No. 24-30167

Pro-Mark Services, Inc.,

Debtor.

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Erik A. Ahlgren, as Chapter 7 Trustee of  
Bankruptcy Estate of Pro-Mark Services, Inc.,  
as Administrator of the Pro-Mark Services,  
Inc. Employee Stock Ownership Plan, and as  
Trustee of the Pro-Mark Services, Inc.  
Employee Stock Ownership Trust,

Adv. No. 24-07014

Plaintiff,

v.

Connie Berg, Kyle Berg, Connie Berg  
Revocable Living Trust, Kyle R. Berg  
Revocable Living Trust, Chad DuBois,  
Mandy Grant, and Miguel Paredes,

Defendants.

**STIPULATED MOTION TO  
EXTEND PAGE LIMITS FOR  
PLAINTIFF'S BRIEF IN  
OPPOSITION TO MOTION TO  
DISMISS BY DEFENDANTS  
CONNIE BERG, KYLE BERG,  
CONNIE BERG REVOCABLE  
LIVING TRUST, AND KYLE R.  
BERG REVOCABLE LIVING  
TRUST**

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Pursuant to Local Rule 7007-1(D) and (G), Plaintiff and Defendants Connie Berg, Kyle Berg, Connie Berg Revocable Living Trust, and Kyle R. Berg Revocable Living Trust (collectively, the "Berg Defendants") move the Court, by stipulation, for an order extending the page limit for Plaintiff's to-be-filed brief in opposition of the Berg Defendants' Notice of Motion and Motion to Dismiss ("Motion to Dismiss") from forty (40) pages to fifty-five (55) pages total, including an argument section that exceeds twenty-five (25) pages. In support thereof respectfully states as follows:

On August 26, 2024, Plaintiff filed this adversary proceeding against defendants, including the Berg Defendants. (Doc. No. 1).

On September 25, 2024, Plaintiff filed an Amended Complaint. (Doc. No. 11). The Amended Complaint is 101 pages, exclusive of exhibits, contains 493 paragraphs, and asserts 24 counts against the Berg Defendants.

On November 18, 2024, the Berg Defendants and the Plaintiff filed a Stipulated Motion to Extend Page Limits for Brief in Support of Motion to Dismiss the Amended Complaint. (Doc. No. 43). On November 19, 2024, the Court granted this motion. (Doc. No. 44).

On November 22, 2024, the Berg Defendants filed the Motion to Dismiss. (Doc. No. 54). Plaintiff's response is due January 10, 2025. (Doc. No. 59).

Pursuant to Local Rule 7007-1(A), a response to a dispositive motion filed in an adversary proceeding is limited to forty (40) pages total and twenty-five (25) pages of argument. The Plaintiff has requested the Berg Defendants to stipulate to an extension of this page limit to no more than fifty-five (55) pages total, including an argument section that exceeds twenty-five (25) pages. Plaintiff seeks this extension so that Plaintiff may fully address the factual and legal issues presented in the Motion to Dismiss. Given the length of the Amended Complaint, the number of counts alleged against the Berg Defendants, the length of the Motion to Dismiss, and the sophistication of the legal arguments in the Motion to Dismiss, Plaintiff believes that good cause exists for this requested extension. The Berg Defendants have no objection to the requested extension and, therefore, have agreed to join this stipulated motion.

### **REQUESTED RELIEF**

Based on the foregoing, Plaintiff and the Berg Defendants, by stipulation, move the Court for an order granting leave for Plaintiff to file a brief in opposition to the Motion to Dismiss of no more than fifty-five (55) pages total, which may include an argument section that exceeds twenty-five (25) pages.

Date: January 10, 2025

/e/ Peter D. Kieselbach

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*Attorneys for Defendants Connie Berg, Kyle Berg,  
Connie Berg Revocable Living Trust, Kyle R. Berg  
Revocable Living Trust*

**CERTIFICATE OF SERVICE**

The undersigned certifies that on the 10th day of January 2025, the above document was served on all counsel of record via CM/ECF

/e/ Peter Kieselbach

Peter D. Kieselbach

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NORTH DAKOTA

In re:

Chapter 7  
Bky. No. 24-30167

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Erik A. Ahlgren, as Chapter 7 Trustee of  
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Adv. No. 24-07014

Plaintiff,

v.

Connie Berg, Kyle Berg, Connie Berg  
Revocable Living Trust, Kyle R. Berg  
Revocable Living Trust, Chad DuBois,  
Mandy Grant, and Miguel Paredes,

Defendants.

**ORDER GRANTING  
STIPULATED MOTION TO  
EXTEND PAGE LIMITS FOR  
PLAINTIFF'S BRIEF IN  
OPPOSITION TO MOTION TO  
DISMISS BY DEFENDANTS  
CONNIE BERG, KYLE BERG,  
CONNIE BERG REVOCABLE  
LIVING TRUST, AND KYLE R.  
BERG REVOCABLE LIVING  
TRUST**

Upon review of Plaintiff and Berg Defendants' Stipulated Motion to Extend Page Limits for Plaintiff's Brief in Opposition to Motion to Dismiss by Defendants Connie Berg, Kyle Berg, Connie Berg Revocable Living Trust, and Kyle R. Berg Revocable Living Trust, the Court finds cause for granting the Motion. Therefore, it is hereby ORDERED Plaintiff's page limit for his brief in opposition to the Motion to Dismiss is hereby extended to fifty-five (55) pages total, which may include an argument section that exceeds twenty-five (25) pages.

Dated \_\_\_\_\_, 2025

\_\_\_\_\_  
Shon Hastings, Judge  
United States Bankruptcy Court